

Amendment under 37 CFR 1.114
Serial No. 10/716,417
Attorney Docket No. 032106

REMARKS

Claims 1-25 are pending in the present application and are rejected. Claims 2, 4-7 and 11-14 are herein amended. Claims 1 and 3 are herein cancelled without prejudice.

Applicants' Response to the Advisory Action

The Advisory Action indicates that the remarks in the Amendment filed on December 1, 2006 were not considered persuasive. The remarks discuss only the rejection based on the APA, Schembri and Christian, and do not discuss the rejection based on Schnipelsky, Schembri and Christian. Thus, it appears that Applicants' remarks have been considered persuasive with respect to the rejection based on Schnipelsky, Schembri and Christian.

Applicants herein cancel claim 1, which did not recite a preprocessing area. Further, Applicants respectfully submit that it would not have been obvious to combine the teachings of the APA, Schembri and Christian. Applicants submit that Christian teaches away from the use of a preprocessing area located between a collection area and a detection area. Christian discloses that "[t]he sample to be tested is inserted into channel 122 through opening 126 or by other suitable injection." Column 13, lines 27-29. It is presumed that such a sample would be preprocessed outside of the system of Christian. This would be inconsistent with the teachings of the APA at page 4, lines 18-23.

Additionally, since the sample is added via opening 126, which is on the opposite side of channel 122 from channels 123, 124 and 125, there is no suggestion or motivation to modify Christian. Therefore, Applicants respectfully submit that contrary to the Advisory Action's

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position, “[t]he creation of an additional series of channels and chambers in the apparatus of Christian in order to incorporate storage and preprocessing areas” would not have been obvious to one having ordinary skill in the art. Favorable reconsideration is respectfully requested.

Request for Interview

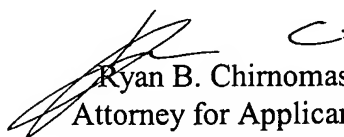
Additionally, as noted in the enclosed paper, Applicants respectfully request that the Examiner contact the Applicants’ representative at his earliest convenience in order to schedule an interview prior to the issuing of the next Office Action. Applicants’ representative may be reached at the telephone number below.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants’ undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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